

# **EXHIBIT A**



EUROPEAN COMMISSION

Competition DG

Information, Communication and Media

Information Industries, Internet and consumer electronics

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Delivered by electronic mail and by  
post

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Flom LLP  
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Belgium

**Subject:** Case COMP/C-3/37.990 – Intel  
(Please quote this reference in all correspondence)  
Request for intervention in US proceedings

Dear Jim,

I refer to your letter of 6 June 2008 concerning the current proceedings before the US District Court for the District of Delaware.

In that letter, you request that the Commission should intervene in these proceedings to oppose the recent discovery motion of the Union Fédérale des Consommateurs Que Choisir ("UFC Que Choisir") pursuant to 28 U.S.C. § 1782.

Having considered your request carefully, I would like to let you know that we do not in principle see any need for the Commission to intervene in these proceedings. Our position as regards requests under section 1782, for the purpose of using the documents obtained through this provision in proceedings before the Commission, has already been made clear in our previous *amicus curiae* briefs in the *AMD v. Intel* case before the US Supreme Court. You evidently have access to these briefs and our understanding is that nothing would prevent Intel from referring to these before the US Court for that part of UFC Que Choisir's discovery motion. The same potential reference can be made to this letter.

Insofar as UFC Que Choisir's discovery motion is filed also for the purpose of obtaining evidence for private damage actions before EU Member States' civil courts, I wish to clarify that this issue has obviously not been addressed in the above-mentioned *amicus curiae* briefs in the *AMD v. Intel* case and that consequently different considerations may have to be taken into account by the US Courts in this regard.

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In any event, should the Commission receive a direct question from the competent judge in the present proceedings concerning our position on either of these two distinct issues, we will naturally reply as appropriate.

Yours sincerely,



Pär Hellström

cc. Mr. Cecilio Madero  
Ms Vanessa Turner